

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11cv69**

SYNOVUS BANK,

Plaintiff,

v.

**EMIL HURTAK and PATRICIA
HURTAK**

Defendants.

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ORDER

In their Answer to Plaintiff's Complaint, Defendants asserted Counterclaims and a Third Party Complaint. Plaintiff then moved to strike the Answer and Third Party Complaint [# 11] and moved to dismiss the Counterclaims [# 13]. Within twenty-one days of the filing of the Motion to Dismiss, Defendants filed an Amended Answer, which they were allowed to do as a matter of course. See Fed. R. Civ. P. 15(a). The Amended Answer, however, supercedes the original Answer, Counterclaims, and Third Party Complaint. Accordingly, the Court **DENIES as moot** the Motion to Dismiss Counterclaims [# 13] and Motion to Strike Answer to Complaint [# 11]. The Court also **DIRECTS** the Clerk to docket the Answer to Answer [# 16] as the Amended Answer to Complaint.

Signed: August 2, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

